

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CR-254-BO

UNITED STATES OF AMERICA)
)
v.)
)
DAVID WAYNE FORSYTH)

ORDER

This cause comes before the Court on defendant's motion for early termination of supervised release pursuant to 18 U.S.C. § 3583(e)(1). The government has responded in opposition and, in this posture, the motion is ripe for ruling.

BACKGROUND

On November 10, 2008, defendant, Forsyth, pleaded guilty to one count of enticing a minor to engage in a prohibited sexual act in violation of 18 U.S.C. § 2422(b). On February 9, 2009, Forsyth was sentenced to a term of 120 months' imprisonment to be followed by a life term of supervised release. Forsyth completed his term of imprisonment and began his term of supervised release on May 19, 2017. Forsyth now requests early termination of his supervised release.

DISCUSSION

Pursuant to 18 U.S.C. § 3583(e)(1), the Court may "terminate a term of supervised release and discharge the defendant" after the defendant has served one year of supervised release provided that certain conditions are met. First, the Court must consider certain factors set forth in 18 U.S.C. § 3553(a). Second, the Court may terminate supervised release only "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." § 3583(e)(1). The district court has flexibility to modify or reduce the terms of

supervised release at any time prior to the expiration of the period of supervised release. *Id.* § 3583(e)(3).

In support of his motion, Forsyth cites to his efforts to rehabilitate himself while in prison and his positive behavior while on supervised release. Forsyth worked hard while incarcerated to obtain a degree in biblical studies through a correspondence program and since his release has worked and otherwise been in compliance with the terms of his supervised release. Importantly, Forsyth's treatment provider while on supervision, Dr. Andres Hernandez, has discharged Forsyth from treatment after determining that Forsyth has achieved his treatment goals. Forsyth has passed twelve polygraph screenings with no detection depicted.

The government and the United States Probation Office oppose early termination of supervised release. The Court agrees that, while Forsyth's behavior on release has been promising, early termination would not be in the interest of justice at this time. The Court will therefore deny Forsyth's motion without prejudice to seeking early termination at a later time.

CONCLUSION

Accordingly, for the foregoing reasons, defendant's motion for early termination [DE 36] is DENIED without prejudice.

SO ORDERED, this 6 day of September 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE